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Attorneys for Snow Covered Capital, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SNOW COVERED CAPITAL, LLC,

Plaintiff,

vs.

WILLIAM WEIDNER, ANDREW FONFA,
DAVID JACOBY, and LUCKY DRAGON
LP,

Defendants.

SHELLY D. KROHN, Chapter 7 Trustee of
The LUCKY DRAGON, LP Estate,

Counter-claimant,

vs.

SNOW COVERED CAPITAL, LLC,
NELLIE LLC, 1421 CAPITAL LLC, and
ASSOCIATE CAPITAL, LLC,

Counter-defendants.

Case No. 2:19-00595-JAD-NJK

**STIPULATION REGARDING
MOOTNESS ISSUE AND ITS
RELEVANCE TO SCC'S PENDING
MOTION TO STRIKE THE ORIGINAL
LDLP ANSWER; AND REGARDING
RELATED BRIEFING SCHEDULE**

ECF Nos. 52, 78

1 1. On April 8, 2019, Plaintiff Snow Covered Capital, LLC (“SCC”) filed its
2 complaint in this proceeding (ECF No. 1).

3 2. On June 18, 2019, the Chapter 7 Trustee for the Lucky Dragon LP Bankruptcy
4 Estate (the “LP Trustee”) filed her Answer and Counterclaims (ECF No. 19) in response to the
5 SCC Complaint.

6 3. On July 9, 2019 SCC filed a motion to dismiss the Trustee’s Counterclaims (ECF
7 No. 50).

8 4. On that same date, SCC filed its Motion to Strike the Trustee’s Answer (ECF No.
9 52).

10 5. On July 30, 2019, the LP Trustee filed her:

11 a. First Amended Answer and Counterclaim (ECF No. 61); and

12 b. Opposition to the SCC Motion to Dismiss (ECF No. 64); and her

13 c. Opposition to the SCC Motion to Strike the LP Trustee’s Answer (ECF No.
14 65)

15 6. On August 17, 2019, before SCC’s reply briefing on either its Motion to Dismiss
16 or its Motion to Strike was due, this Court entered a minute order (ECF No. 73) stating, in
17 relevant part, that:

18 “In light of the Chapter 7 Trustee’s filing of the first amended answer and
19 counterclaim [61], which supersedes her original counterclaim and moots
20 the motion to dismiss it [50], IT IS HEREBY ORDERED that the motion
21 to dismiss the Chapter 7 Trustee’s original counterclaim [50] is denied
22 without prejudice.”

23 7. The August 7, 2019 minute order did not mention the SCC Motion to
24 Strike, though that motion was also directed to the LP Trustee’s original Answer and
25 Counterclaim.
26
27
28

8. SCC will move to dismiss the LP Trustee's First Amended Answer and Counterclaim and also move to strike the answer portions of that same pleading.

9. In light of the foregoing, the undersigned parties stipulate and agree pursuant to LR 7-1, LR IA 6-1 and LR IA 6-2, that:

- a. The Trustee's First Amended Answer and Counterclaim supersedes her original Answer and Counterclaim;
- b. The SCC Motion to Strike the original Answer and Counterclaim is withdrawn, without prejudice to SCC's right to file a motion to dismiss and a motion to strike the Trustee's First Amended Counterclaim;
- c. SCC need not file any reply brief regarding its Motion to Strike the original Answer and Counterclaim; and that
- d. SCC shall file any Motion to Dismiss and Motion to Strike the First Amended Answer and Counterclaim on or before August 13, 2019, 2019; the Trustee will file any oppositions to those motions on or before August 27, 2019; and SCC will file any replies regarding those motions on or before September 3, 2019.

STIPULATED AND AGREED BY ALL PARTIES:

Dated: August 9, 2019.

By: /s/ Douglas Gerrard

Douglas Gerrard

Gary Milne

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Attorneys for Shelley D. Krohn, Chapter 7

Trustee for the Lucky Dragon LP Bankruptcy
Estate

By: /s/ James D. McCarthy

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Attorneys for Plaintiff and Counterclaim Defendant Snow Covered Capital, LLC

ORDER

Based on the parties' stipulation [78] and good cause appearing, IT IS SO ORDERED.

Snow Covered Capital, LLC's Motion to Strike the LDLP Trustee's Answer to SCC's Complaint [52] is **DEEMED WITHDRAWN**.



U.S. District Judge Jennifer A. Dorsey
Dated: August 12, 2019